

Barbara M. Lynn, Chief Judge
U.S. District Court - Northern District of Texas
1100 Commerce St., Room 1452
Dallas, TX 75242

(214) 753-2200

E-mail: <http://cf.txnd.uscourts.gov>

Re: Case 7:16-cv-00054-O

Dear Chief Judge Lynn,

Five leading national civil and LGBT rights organizations filed an amicus brief yesterday in a multi-state lawsuit challenging the Obama administration's guidance regarding public school districts' responsibility to allow transgender students to use the same restrooms as other students. The lawsuit also targets guidance addressing transgender workers. The brief in *Texas v. United States* argues that many of the states and political jurisdictions joining the lawsuit are doing so improperly in order to avoid transgender-affirming rulings handed down by their federal circuits and that granting a nationwide injunction would be improper for this reason.

This past May, Texas and 10 other states, governors of states and political jurisdictions (along with school districts in two states) filed a meritless lawsuit — subsequently joined by two additional states, through their governors — against multiple federal agencies seeking to preserve their ability to discriminate against a vulnerable group of young people — transgender elementary and high school students. These state officials want to block implementation of guidance issued by the U.S. Departments of Education and Justice recognizing that schools must be safe, respectful and nurturing environments for all students and that singling out transgender students for separate and unequal treatment is demeaning and harmful to them.

Equally troubling, several parties to this lawsuit — the Arizona Department of Education, the Heber-Overgaard Unified School District in Arizona, and the states of Alabama, Georgia, Kentucky (through its governor), Tennessee, and West Virginia — lie in the Fourth, Sixth, Ninth, and Eleventh Circuits, which have issued binding appellate decisions consistent with the guidance of the federal agencies. Now these parties seek to have a single federal district court in Texas issue a nationwide injunction contrary to the law in their home circuits. State officials should not be allowed to manipulate the federal court system in order to skirt rulings in their home circuits with which they disagree, including, as is the case here, rulings affirming and respecting the rights of transgender students.

In addition to Texas and the political jurisdictions named above, the other plaintiffs in *Texas v. United States* include: Harrold Independent School District in Texas; Wisconsin; Maine Governor Paul LePage; Mississippi (through its governor); Oklahoma; Louisiana; and Utah. Named defendants include: the United States, the Departments of Justice, Education and Labor and numerous federal officials.

The lawsuit targets various federal letters, guides, memos, and statements regarding Title IX of the Education Amendments, Title VII of the Civil Rights Act and the Occupational Safety and Health Act (OSHA) that conclude that federal bans on sex discrimination encompass gender identity discrimination and that transgender individuals should be allowed to use the same restrooms as others, consistent with their gender identity. The lawsuit seeks to have those letters, guides, memos and statements declared to be in violation of the Administrative Procedure Act and the Constitution and enjoined nationwide. A copycat lawsuit was filed recently by the state of Nebraska, joined by Arkansas, Kansas, Michigan (through its attorney general), Montana, North Dakota, Ohio, South Carolina, South Dakota, and Wyoming.

Thank you for the opportunity to bring these remarks to your attention.

Yours sincerely,

Robert E. Rutkowski

cc:

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